

ment—your recent communication to Senators Murray, Hudspeth and Willacy in which you poke fun at the Legislature for proposing to pass legislation for the protection of the honey bee.

As a classic in humorous literature your communication is a howling success, but I venture to express the opinion that it does not, at the same time, reflect creditably upon your knowledge of one of the important industries of Texas.

In view of your interest in the subject, you may be interested in learning that a considerable number of good citizens in Texas derive incomes of from \$2,000 to \$5,000 per annum from their honey bees, that several hundred more follow beekeeping as a sole means of livelihood, and still thousands of others add very perceptibly to their annual incomes by keeping bees in a small way.

The capital invested in beekeeping in Texas is upwards of two millions of dollars and Texas annually produces more honey than any other State in the Union.

An industry that can make as good a showing as this is certainly entitled to a little protection at the hands of the Legislature. Unfortunately, the bees are subject to a contagious bacterial disease, known as foul brood, which is very fatal, and it is for the purpose of fighting this disease that the legislation is proposed.

That honey bees can be cured of disease, and that their hives, combs, etc., can be disinfected in just as efficient a manner as human habitations are disinfected by the medical profession, is fully attested by the work done by this office in eradicating diseases of honey bees during the past two years. During the last fiscal year my inspectors have examined 31,819 colonies of bees in this State, finding among them 283 cases of contagious disease. Two hundred and thirty of these cases were completely cured by the treatment we gave them. The 31,819 colonies protected from disease during this period represent a valuation and investment of more than \$300,000.

In conclusion I may state, on behalf of the bees, that they are far too busy making honey, and money for the owners, to waste time disinfecting their stings before applying them to meddlesome humans who wax facetious at their expense.

You should get acquainted with the bee at closer range. Very truly yours,
WILMON NEWELL,
State Entomologist.

The above was read and, by request of Senator Murray, was ordered printed in the Journal.

EIGHTEENTH DAY.

Senate Chamber,

Austin, Texas,

Thursday, February 6, 1913.

The Senate met pursuant to adjournment and was called to order by Lieutenant Governor Will H. Mayes.

Roll call, a quorum was present, the following Senators answering to their names:

Astin.	McNealus.
Bailey.	Murray.
Brelsford.	Nugent.
Carter.	Real.
Collins.	Taylor.
Conner.	Terrell.
Cowell.	Townsend.
Darwin.	Vaughan.
Gibson.	Warren.
Greer.	Watson.
Hudspeth.	Weinert.
Johnson.	Westbrook.
Kauffman.	Wiley.
Lattimore.	Willacy.
McGregor.	

Absent.

Morrow.

Absent—Excused.

Paulus.

Prayer by the Chaplain, Rev. H. M. Sears.

Pending the reading of the Journal of yesterday the same was dispensed with on motion of Senator Carter.

(See Appendix for petitions and memorials and standing committee reports.)

EXCUSED.

On account of important business:

Senator Terrell, for non-attendance on yesterday, on motion of Senator Willacy.

SIMPLE RESOLUTION.

(By Unanimous Consent.)

By Senator Carter:

Whereas, It is again good to look upon the face of the ex-Senator from Lamar, Hon. B. B. Sturgeon, a Democrat, statesman and patriot; and

Whereas, He is now visiting in the city and his old friends will be delighted to again hear his well-recognized voice in the Senate Chamber; therefore be it

Resolved, That he be invited to address the Senate and the courtesies of the floor be extended to him.

Hudspeth, Carter, Watson, Willacy, Lattimore, Vaughan, Gibson.

The resolution was read and adopted.

The Chair appointed Senators Carter, Watson and Gibson as a committee to escort the speaker to the President's stand, whereupon he addressed the Senate briefly.

SIMPLE RESOLUTION.

By Senator Westbrook:

Whereas, Some forty odd State Legislatures are now in session and many of the bills pending in them would be of value to the members of this body if rendered accessible by being placed in the State Library; and

Whereas, The State Librarian has entered into tentative arrangements with a number of State Libraries of other States for a mutual exchange of printed bills and other publications of the Legislatures; therefore be it

Resolved, That there be printed a sufficient number of copies of all bills that may hereafter be ordered printed, and of the daily Journal, and that the Sergeant-at-Arms be instructed to turn over to the State Library forty copies of each printed bill and ten copies of the daily Journal of each day for the use and purposes indicated above.

The resolution was read second time.

Senator Weinert moved to refer the resolution to the Committee on Contingent Expenses, which motion to refer was adopted by the following vote:

Yeas—20.

Astin.	McGregor.
Bailey.	McNealus.
Carter.	Nugent.
Conner.	Taylor.
Gibson.	Terrell.
Greer.	Warren.
Hudspeth.	Watson.
Johnson.	Weinert.
Kauffman.	Wiley.
Lattimore.	Willacy.

Nays—4.

Collins.	Townsend.
Cowell.	Westbrook.

Absent.

Brelsford.	Murray.
Darwin.	Real
Morrow.	Vaughan.

Absent—Excused.

Paulus.

BILLS AND RESOLUTIONS.

By Senator Lattimore:

Senate bill No. 256, A bill to be entitled "An Act permitting the formation and incorporation of mutual fire, lightning, hail and storm insurance companies, for either or all of such purposes and providing for their regulation, government and control, and declaring an emergency."

Read first time and referred to Committee on Insurance, Statistics and History.

By Senator Lattimore:

Senate bill No. 257, A bill to be entitled "An Act to amend Article 551 of the Penal Code of the Revised Criminal Statutes of 1911, so as to make same conform to other laws, making act cumulative, and declaring an emergency."

Read first time and referred to Judiciary Committee No. 2.

By Senator Conner:

Senate bill No. 258, A bill to be entitled "An Act to amend Article 6268, Chapter 2, Title 105, Revised Statutes 1911, authorizing the acknowledgment of the application by any officer in the county authorized to administer oaths."

Read first time and referred to Judiciary Committee No. 1.

By Senator Conner:

Senate bill No. 259, A bill to be entitled "An Act to amend Article 1626, Chapter 9, Title 32, of the Revised Civil Statutes of the State of Texas in reference to judgments in the Court of Civil Appeals."

Read first time and referred to Judiciary Committee No. 1.

By Senator Conner:

Senate bill No. 260, A bill to be entitled "An Act to amend Article 1997, Chapter 15, Title 37, of the Revised Statutes of the State of Texas, relating to judgments in the district and county courts and to add Article 1997a to said chapter."

Read first time and referred to Judiciary Committee No. 1.

By Senator Collins:

Senate bill No. 261, A bill to be entitled "An Act to regulate the employment of children in certain occupations, to provide for the issue of certificates of employment; to require seats to be provided for female employes under twenty-one years of age, to limit the hours of employment of children in certain occupa-

tions, to provide for the inspection of factories and other places of employment for the purpose of ascertaining whether or not children are being employed in violation of this act, and to fix penalties for the violation of this act."

Read first time and referred to Committee on Labor.

By Senator Gibson:

Senate bill No. 262, A bill to be entitled "An Act regulating life insurance companies transacting business in this State, providing for reports of reserve, and investments in Texas securities, defining such terms, providing for reports of gross premium receipts, and regulating taxes of such companies, and declaring an emergency."

Read first time and referred to Committee on Insurance, Statistics and History.

By Senator Astin:

Senate bill No. 263, A bill to be entitled "An Act to amend Article 3898, Chapter 4, Title 58, Revised Statutes, 1911, providing that counties having a population of 15,000 or less shall not be affected by any of the provisions of the Fee Bill, providing a method of determining the population, and declaring an emergency."

Read first time and referred to Judiciary Committee No. 1.

By Senator Carter:

Senate bill No. 264, A bill to be entitled "An Act to amend Title 7, Chapter 3, Articles 483 and 484, of the Code of Criminal Procedure of the State of Texas; relating to the transferring of indictments charging a misdemeanor over which the district courts of this State have no jurisdiction, to the county and justices' courts; and providing that said Articles 483 and 484 shall hereafter read as follows; and repealing all laws in conflict herewith, and declaring an emergency."

Read first time and referred to Judiciary Committee No. 1.

By Senators Hudspeth, Vaughan, Watson, Lattimore and Weinert:

Senate bill No. 265, A bill to be entitled "An Act to establish and maintain a State School of Correspondence at Austin, Texas, to provide for all courses of home study, to provide for the appointment of an executive board of same, and provide for the salary of some of the members of said executive board, and to prescribe the duties of said executive board."

Read first time and referred to Committee on Judicial Districts.

By Senator Hudspeth:

Senate bill No. 266, A bill to be entitled "An Act to amend Article 7160, Chapter 2, Title 124, of the Revised Civil Statutes of Texas, which article provides that an unrecorded brand on animals shall not be evidence of ownership thereof, and to limit this rule of evidence to civil cases."

Read first time and referred to Committee on Stock and Stock Raising.

By Senator Hudspeth:

Senate bill No. 267, A bill to be entitled "An Act to amend Article 1372, Chapter 12, Title 17, of the Revised Penal Code of Texas, and Article 7184, Chapter 3, Title 124 of the Revised Civil Statutes of Texas, which chapters relate to the regulation of the butcher business, and to the detection of persons illegally handling and butchering of animals and prescribing bond, rules, regulations and penalties in connection therewith, said articles amended hereby name a large number of counties as being exempt from the provisions of said chapters, and it is the purpose of this act to reduce the number of counties so exempt, and declaring an emergency."

Read first time and referred to Committee on Stock and Stock Raising.

(By unanimous consent, after morning call was concluded.)

By Senators Vaughan, Brelsford, Hudspeth, Watson, Carter, Collins, Darwin, Conner, Greer, Lattimore, McNealus, Townsend, Gibson, McGregor, Weinert and Willacy:

Senate bill No. 268, A bill to be entitled "An Act to apportion the State of Texas into Congressional Districts, providing for two additional districts to the number now provided for; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

Read first time and referred to Committee on Congressional Districts.

By Senators McGregor, Brelsford and Hudspeth:

Senate bill No. 269, A bill to be entitled "An Act to amend subdivision 45 of Article 1121 of Title 25 of the Revised Civil Statutes of the State of Texas, adopted at the Regular Session of the Thirty-second Legislature, so extending the powers of sanitariums as to allow the ownership of real estate, and developing of irrigation, the ownership of hotels and bath houses, the maintaining of training schools and outdoor sports for its patients."

Read first time and referred to Committee on Public Health.

By Senators Weinert, Collins and Warren:

Senate bill No. 270, A bill to be entitled "An Act to provide for the indeterminate sentence of persons convicted of certain felonies; for the termination of such sentence and the release of such persons on parole."

Read first time and referred to Committee on State Penitentiaries.

By Senator Warren:

Senate bill No. 271, A bill to be entitled "An Act to authorize and empower Kaufman county, or any political subdivision of said county, by a vote of a two-thirds majority of the resident property taxpayers, qualified voters of such county or political subdivision thereof, voting thereon, to issue bonds to any amount, not exceeding one-fourth the assessed valuation of the real property of such county or of such political subdivision, and to levy and collect taxes to pay the interest on such bonds and to provide a sinking fund for the redemption thereof, for the purpose of constructing, maintaining and operating macadamized, gravelled or paved roads and turnpikes and prescribing ways and means of conducting and supervising said work; and providing further making this law cumulative of the general laws of Texas, and also cumulative of the special road laws of Kaufman county already in existence, and in case of conflict, this act to govern, and repealing all laws in conflict with this act, and declaring an emergency."

Read first time and referred to Committee on Roads, Bridges and Ferries.

By Senator Murray:

Senate bill No. 272, A bill to be entitled "An Act to amend Article 4783, Title 71, Chapter 3 of the Revised Statutes of 1911, so as to permit foreign life insurance companies to engage exclusively in a loan business without being subject to the occupation tax for the years they have ceased to do business in this State, as now required by said article."

Read first time and referred to Committee on Insurance, Statistics and History.

By Senator Greer:

Senate bill No. 273, A bill to be entitled "An Act making appropriation to pay the mileage and per diem of the Presidential Electors of Texas for the year 1913, and declaring an emergency."

Read first time and referred to Committee on Finance.

By Senator Willacy:

Senate bill No. 274, A bill to be entitled "An Act defining the authority of the State of Texas, in addition to all other authority over railroads engaged in transportation of intrastate commerce in this State, and over all persons employed, or who may hereafter be employed by such railroad corporations in any and every capacity whatsoever; providing the terms and conditions upon which such persons may be employed by any railroad corporation engaged in transportation of intrastate commerce within the limits of this State; providing for an arbitration board to be composed of the members of the Railroad Commission; defining the authority of said Railroad Commission over such corporations; declaring the employment of any person or persons by such corporation a privilege, the right of supervision, regulation, restriction and control of which has always been, is now, and shall continue to be vested in the State government, to be exercised according to this or any other law enacted, or to be enacted by the Legislature of the State of Texas; providing that this act shall be cumulative of all other laws of the State of Texas, relating to such railroad corporations; providing for an arbitration board and that the Railroad Commission shall be ex-officio an arbitration board; providing that all questions of difference or dispute between such corporations and the employes of such corporations shall be submitted to the arbitration board provided for herein."

Read first time and referred to Committee on Internal Improvements.

By Senator Townsend:

Senate Joint Resolution No. 15, Proposing to amend Article 16, Section 58, of the State Constitution, creating the office of prison commissioners and making the term of office of the members of the Board of Prison Commissioners six years, to be elective.

Read first time and referred to Committee on Constitutional Amendments.

SIMPLE RESOLUTION.

By Senator Lattimore:

Whereas. The Senate Journals from Wednesday, January 29, to Wednesday, February 5, show Senators Wiley, Cowell and Gibson absent; and

Whereas, Said Senators were absent in obedience to appointment of the Senate, inspecting the fish and oyster grounds and industries of this State; therefore be it

Resolved, That the Journal of the Senate be made to print and contain this statement, to show the whereabouts of said Senators during their said absence.

The resolution was read and adopted.

EXECUTIVE MESSAGE.

Here the Chair had read to the Senate a message from the Governor, which had been previously received.

(See Appendix for the message in full.)

FIRST HOUSE MESSAGE.

Hall of the House of Representatives,
Austin, Texas, February 6, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

House bill No. 74, A bill to be entitled "An Act to amend Article 7379, Chapter 2, Title 126, of the Revised Civil Statutes of 1911, relating to the gross receipt tax based upon gross receipts of wholesale dealers in or distributors of intoxicating liquors; and 'wholesale dealer' being defined so as to include every individual, company or corporation selling intoxicating liquors both to retail dealer, or delivering on consignment to their agents for retail, and to consumers where it is not to be drunk on the premises, and providing that the tax be based upon the combined sales to both retail dealer and consumer as above stated, and also providing for the keeping of a plain, legible record of such sales, and providing for inspection of such records by the proper officer, and providing a penalty for a violation to keep a record of such sale, and declaring an emergency."

House bill No. 22, A bill to be entitled "An Act to amend Articles 4621, 4622 and 4624, Title 68, Chapter 3, of the Revised Civil Statutes of the State of Texas, concerning the marital rights of parties, defining the separate and community property of the husband and wife, conferring upon the wife power to make contracts, authorizing suits on such contracts, repealing Article 4625,

Title 68, Chapter 3, of the Revised Civil Statutes of the State of Texas and all other laws and parts of laws in conflict with this act, and declaring an emergency."

House bill No. 36, A bill to be entitled "An Act to amend subdivision (1) of Article 30, Title 5, of the Revised Civil Statutes of 1911, and changing and fixing the times of holding courts of the Twelfth Judicial District of Texas."

House bill No. 30, A bill to be entitled "An Act requiring any person or persons, firm or corporation entering into a formal contract with this State or its counties or subdivisions thereof or any municipality therein for the construction of any public building or public work, to execute bonds with sureties, with obligation that contractors shall pay laborers and those furnishing materials for such buildings and public works; providing that any person, company or corporation furnishing labor or materials and not having been paid, shall have right to intervene and be made a party to action with the State for adjudication; providing affidavits that labor and materials have been supplied; providing the time of beginning suit and manner of proceeding; providing that surety on said bond may pay into court the amount of the sureties' liability for distribution among creditors; and providing that notice of pending suits shall be given to all creditors."

House bill No. 27, A bill to be entitled "An Act to prohibit the use of any imitation, label, trade-mark, design, device, imprint or form of the flag of the State of Texas for advertising or commercial purposes, and prohibiting the offering or exposing for sale any article or commodity bearing such imitation, design, imprint or form of the flag of the State of Texas, fixing a penalty for violation thereof, and declaring an emergency."

House concurrent resolution No. 10, Indorsing T. B. Reese for position of Reading Clerk in House of Representatives in United States Congress.

House concurs in Senate amendments to House bill No. 79.

Respectfully,

W. R. LONG,

Chief Clerk, House of Representatives.

HOUSE BILLS READ FIRST TIME AND REFERRED.

The Chair, Lieutenant Governor Mayes, had referred, after their cap-

tions had been read, the following House bills:

House bill No. 74, referred to Judiciary Committee No. 2.

House bill No. 22, referred to Judiciary Committee No. 1.

House bill No. 36, referred to Committee on Judicial Districts.

House bill No. 30, referred to Committee on State Affairs.

House bill No. 27, referred to Judiciary Committee No. 2.

HOUSE CONCURRENT RESOLUTION NO. 10.

The Chair laid before the Senate, House Concurrent Resolution No. 10, Indorsing T. B. Reese for Reading Clerk of the House of Representatives of the United States Congress.

The resolution was read and adopted. Morning call concluded.

SENATE BILL NO. 253.

On motion of Senator Taylor, and by unanimous consent, the special order of business, Senate Joint Resolution No. 2, was suspended, and the Senate took up, out of its order, Senate bill No. 253.

The Chair laid before the Senate, on second reading,

Senate bill No. 253, A bill to be entitled "An Act creating and incorporating the Clifton Independent School District in Bosque county, Texas, for free school purposes only, defining its boundaries, and providing for a board of trustees; their election and terms of office; and for a treasurer of said district; divesting the city of Clifton, its mayor, city council and board of trustees of the public free school within said city of the control of its public free schools, and of the title to school property of its public free schools, and of its public free schools, and of the title to school property therein and vesting the same in the said Clifton Independent School District and its board of trustees; providing for the method of levying, assessing and collecting taxes in said district for the year 1913 and subsequent years; and prescribing the rights, powers, privileges and duties of said Clifton Independent School District and its board of trustees, and declaring an emergency."

The bill was read, and on motion of Senator Taylor the committee report, which provided that the bill be not printed, was adopted.

Senator Taylor offered the following amendment, which was read and adopted:

Strike out "six" and insert "seven" as the number of trustees provided for in the bill.

The bill was read second time and ordered engrossed.

On motion of Senator Taylor, the constitutional rule requiring bills to be read on three several days was suspended and the bill was put on its third reading and final passage by the following vote:

Yeas—29.

Astin.	McNealus.
Bailey.	Murray.
Brelsford.	Nugent.
Carter.	Real
Collins.	Taylor.
Conner.	Terrell.
Cowell.	Townsend.
Darwin.	Vaughan.
Gibson.	Warren.
Greer.	Watson.
Hudspeth.	Weinert.
Johnson.	Westbrook.
Kauffman.	Wiley.
Lattimore.	Willacy.
McGregor.	

Absent.

Morrow.

Absent—Excused.

Paulus.

The bill was read third time and passed by the following vote:

Yeas—29.

Astin.	McNealus.
Bailey.	Murray.
Brelsford.	Nugent.
Carter.	Real
Collins.	Taylor.
Conner.	Terrell.
Cowell.	Townsend.
Darwin.	Vaughan.
Gibson.	Warren.
Greer.	Watson.
Hudspeth.	Weinert.
Johnson.	Westbrook.
Kauffman.	Wiley.
Lattimore.	Willacy.
McGregor.	

Absent.

Morrow.

Absent—Excused.

Paulus.

Senator Taylor moved to reconsider the vote by which the bill was passed and lay that motion on the table.

The motion to table prevailed.

SENATE BILL NO. 233.

On motion of Senator Johnson, and by unanimous consent, the special order of business (Senate Joint Resolution No. 2) was suspended, and the Senate took up, out of its order, Senate bill No. 233.

The Chair laid before the Senate, on second reading,

Senate bill No. 233, A bill to be entitled "An Act adding to and making a part of the Slaton Independent School District of Lubbock county certain lands and territory adjoining there to situate in Lubbock county, and adding thereto and making a part thereof certain lands and territory adjoining thereto situate in Lynn county all for school purposes; giving the board of trustees of said district power and jurisdiction over said lands and territories and the inhabitants thereof; requiring such board of trustees to levy, assess, collect and pay into the county treasury annually proportional part of a certain bond tax existing on part of said territory; validating the incorporation proceedings of said independent school district."

The bill was read, and on motion of Senator Johnson the committee report, which provided that the bill be not printed, was adopted.

The bill was read second time and ordered engrossed.

SENATE BILL NO. 23.

Senator Watson called up from the table Senate bill No. 23, which had been laid on the table subject to call.

The Chair laid before the Senate, which was read,

Senate bill No. 23, A bill to be entitled "An Act to amend the Revised Penal Code of the State of Texas of 1911, being Chapter 8, Title 11, by adding thereto Article 622a, making it a misdemeanor for any minor to enter or remain in any saloon or place where intoxicating liquors are sold or to purchase any intoxicating liquors, and fixing the punishment therefor, and declaring an emergency."

Senator Watson moved the adoption of the committee report, with an amendment.

The motion to adopt the committee report was adopted by the following vote:

Yeas—16.

Astin.
Brelsford.
Carter.

Cowell.
Greer.
Hudspeth.

Kauffman.
McGregor.
McNealus.
Murray.
Nugent.

Real.
Taylor.
Watson.
Weinert.
Willacy.

Nays—11.

Collins.
Conner.
Darwin.
Gibson.
Johnson.
Lattimore.

Townsend.
Vaughan.
Warren.
Westbrook.
Wiley.

Absent.

Bailey.
Morrow.

Terrell.

Absent—Excused.

Paulus.

Senator Watson offered the following amendment:

Amend the bill by striking out all of Section 1 and inserting in lieu thereof the following:

Art. 622a. Any person over the age of 18 years and under the age of 21 years, or any student of any institution of learning over the age of 18 years who shall enter or remain in any saloon or place where intoxicating liquors are sold or who shall purchase any intoxicating liquors, directly or indirectly, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined in any sum not less than \$5.00 nor more than \$50.00.

Sec. 2. Any such minor who shall give any information to any peace officer of the county of his residence or to the Comptroller of the State of Texas to the effect that he entered or remained in any saloon or house or place where intoxicating liquors are sold, or that he purchased intoxicating liquors therein, which may lead to the prosecution of said saloon keeper for the violation of the liquor laws pertaining to such minor or to the proceedings by the Comptroller of the State of Texas to cancel the license of such saloon keeper, shall not be prosecuted under the provisions of this act, and provided further that such minor's testimony shall not be required to be corroborated by other testimony than his own to make same admissible testimony in criminal proceedings against any such saloon keeper for violation of the criminal laws of this State pertaining to minors entering and remaining in saloons or purchasing intoxicating liquor therein.

Senator Vaughan offered the following amendment to the amendment:

Amend the amendment by striking out 21 and inserting 60 where it occurs.

Pending discussion Senator Willacy made the point of order on the amendment to the amendment, that same changed the original purposes of the bill, citing Section 30 of the Constitution.

The Chair overruled the point of order.

Pending further discussion. Senator Vaughan moved to recommit the bill.

RECESS.

Senator Lattimore, at 12:45 o'clock p. m., moved that the Senate recess until 3 o'clock today.

Senator McNealus moved, as a substitute, that the Senate adjourn until 10 o'clock tomorrow morning.

The motion to adjourn was lost by the following vote:

Yeas—11.

Astin	McNealus.
Bailey.	Real.
Conner.	Watson.
Gibson.	Weinert.
Hudspeth.	Willacy.
Kauffman.	

Nays—16.

Brelsford.	McGregor.
Carter.	Nugent.
Collins.	Taylor.
Cowell.	Townsend.
Darwin.	Vaughan.
Greer.	Warren.
Johnson.	Westbrook.
Lattimore.	Wiley.

Absent.

Morrow.	Terrell.
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Murray.

Absent—Excused.

Paulus.

The motion to recess was then adopted.

AFTER RECESS.

(Afternoon Session.)

The Senate was called to order by Lieutenant Governor Mayes.

SENATE BILL NO. 23.

Action recurred on Senate bill No. 23. There was a pending amendment and

an amendment to the amendment, and Senator Vaughan moved to recommit the bill.

Senator Watson moved to table the motion to recommit, which motion to table was lost by the following vote:

Yeas—9.

Astin.	Real.
Bailey.	Taylor.
Hudspeth.	Watson.
Murray.	Weinert.
Nugent.	

Nays—15.

Brelsford.	Lattimore.
Carter.	McGregor.
Collins.	Townsend.
Conner.	Vaughan.
Cowell.	Warren.
Darwin.	Westbrook.
Gibson.	Wiley.
Johnson.	

Absent.

Greer.	Morrow.
Kauffman.	Terrell.
McNealus.	Willacy.

Absent—Excused.

Paulus.

Action then recurred on the motion to recommit the bill, which motion was adopted by the following vote:

Yeas—15.

Brelsford.	Lattimore.
Carter.	McGregor.
Collins.	Townsend.
Conner.	Vaughan.
Cowell.	Warren.
Darwin.	Westbrook.
Gibson.	Wiley.
Johnson.	

Nays—9.

Astin.	Real.
Bailey.	Taylor.
Hudspeth.	Watson.
Murray.	Weinert.
Nugent.	

Absent.

Greer.	Morrow.
Kauffman.	Terrell.
McNealus.	Willacy.

Absent—Excused.

Paulus.

SENATE BILL NO. 18.

On motion of Senator Cowell, and by unanimous consent, the special order of business, Senate Joint Resolution No. 2, was suspended, and the Senate took up, out of its order, Senate bill No. 18.

The Chair laid before the Senate, on second reading,

Senate bill No. 18, A bill to be entitled "An Act to create a special district court for Grayson county, to prescribe its jurisdiction, to limit its existence, to fix its terms, to conform all writs and process from said court and the other district courts in said county to such changes as are made in the jurisdiction of any of said courts by this bill, to empower the judge of said special district court and the judges of the Fifteenth and Fifty-ninth Judicial Districts in Grayson county to transfer cases from their respective court to the other of said courts, to provide for the appointment of a judge for said special district court, to fix his salary and term of office, and declaring an emergency."

The bill was read, and on motion of Senator Cowell, the same was made a special order for next Monday morning after the conclusion of the morning call.

SENATE BILL NO. 122—MADE SPECIAL ORDER.

Senator Bailey moved that Senate bill No. 122 be made a special order for Friday morning after the conclusion of the morning call.

The motion prevailed.

SENATE JOINT RESOLUTION NO. 2.

The Chair laid before the Senate, on second reading,

Senate Joint Resolution No. 2, Proposed amendment to State Constitution, amending Article 5 of the Constitution relating to the Judicial Department of the State Government.

The committee report being adverse, recommending a favorable substitute resolution, Senator Vaughan moved that the committee report be adopted, which motion prevailed.

Senator Vaughan offered the following amendment, which was read and adopted:

Amend the committee substitute bill, page 21, line 3, by adding after the

period after the word "allow," the following: "When a writ of error is granted the whole case shall be before the Supreme Court and at any time after granting the writ the court may have brought up additional portions of the record or of the statement of facts as it may deem necessary."

Senator Vaughan offered the following amendment, which was read and adopted:

Amend committee substitute bill, page 19, line 14, so as to strike out "mandamous," and insert "mandamus."

Senator Vaughan offered the following amendment, which was read and adopted:

Amend the committee substitute bill page 17, line 31, by striking out the word and figure "Article 5," and inserting above line 31, the following: "Article V."

Senator Vaughan offered the following amendment, which was read and adopted:

Amend substitute bill by striking out the figure "5" wherever it occurs in the bill as a designation of Article V, and inserting the letter "V," properly designating such article.

Senator Collins offered the following amendment, which was read and adopted:

Amend committee substitute, line 21, page 31, by putting the "e" in the word "extended," before the letter "x."

On motion of Senator Vaughan, the further consideration of the resolution was postponed and made a special order for next Tuesday morning, after the conclusion of the morning call.

SENATE BILL NO. 51.

The Chair laid before the Senate, as pending business from February 4,

Senate bill No. 51, A bill to be entitled "An Act to prohibit falsely stating the consideration in any deed, deed of trust, mortgage or other instrument in writing, transferring or affecting the title to real or personal property for the purpose of defrauding another, or for the purpose of aiding some other person to defraud another, and prescribing the penalty for the violation of this act, and to regulate the manner of proof in prosecutions against persons charged with a violation of this act."

Pending.

SECOND HOUSE MESSAGE.

Hall of the House of Representatives,
Austin, Texas, February 6, 1913.

Hon. Will H. Mayes, President of the
Senate.

Sir: I am directed by the House to
inform the Senate that the House has
passed the following bill:

House bill No. 167, A bill to be entitled
"An Act to authorize the Gulf, Colorado
and Santa Fe Railway Company to pur-
chase, own and operate the railroad of
the Concho, San Saba and Llano Valley
Railroad Company with its franchises
and appurtenances; the railroad of the
Texas and Gulf Railway Company with
its franchises and appurtenances; the
railroad of the Gulf and Interstate Rail-
way Company of Texas with its fran-
chises and appurtenances; and the rail-
road of the Beaumont Wharf and Termi-
nal Company with its franchises and
appurtenances; or either of any of such
railroads with its or their franchises
and appurtenances; and until such pur-
chase or purchases is or are made to
authorize lease by the Gulf, Colorado
and Santa Fe Railway Company of the
railroad and other properties of said
other companies, or of either or any of
them; and to authorize the Gulf, Colo-
rado and Santa Fe Railway Company to
lease that portion of the railroad of the
Pecos and Northern Texas Railway
Company situated between Coleman,
Texas, and Sweetwater, Texas, including
the railway terminals and other prop-
erty of the Pecos and Northern Texas
Railway Company now or hereafter situ-
ated in said cities of Coleman and
Sweetwater; and to authorize the Pecos
and Northern Texas Railway Company
to contract with the Gulf, Colorado and
Santa Fe Railway Company for the op-
eration by the officers of the Gulf, Colo-
rado and Santa Fe Railway Company of
said railroad between Coleman and
Sweetwater."

Respectfully,

W. R. LONG,

Chief Clerk, House of Representatives.

BILL READ FIRST TIME AND
REFERRED.

The Chair, Lieutenant Governor
Mayes, had referred, after its caption
had been read, the following House bill:

House bill No. 167, referred to Com-
mittee on Internal Improvements.

SENATE BILL NO. 182.

On motion of Senator Gibson, and by
unanimous consent, the pending business
Senate bill No. 51, was suspended, and
the Senate took up, out of its order,
Senate bill No. 182.

The Chair laid before the Senate, on
second reading,

Senate bill No. 182, A bill to be entitled
"An Act to amend an act entitled 'An
Act to authorize and empower Lamar
county, or any political subdivision of
said county, by a vote of a two-thirds
majority of the resident property tax
payers, qualified voters of such county,
or political subdivision thereof, voting
thereon to issue bonds to any amount,
not exceeding one-fourth of the assessed
valuation of the real property of such
county or of such political subdivision,
and declaring an emergency.'"

The bill was read, and on motion of
Senator Gibson, the committee report,
which provided that the bill be not
printed, was adopted.

The bill was read second time and
ordered engrossed.

On motion of Senator Gibson, the con-
stitutional rule requiring bills to be read
on three several days was suspended and
the bill put on its third reading and
final passage by the following vote:

Yeas—26.

Astin.	McGregor.
Bailey.	McNealus.
Brelsford.	Nugent.
Carter.	Real.
Collins.	Taylor.
Conner.	Townsend.
Cowell.	Vaughan.
Darwin.	Warren.
Gibson.	Watson.
Greer.	Weinert.
Hudspeth.	Westbrook.
Johnson.	Wiley.
Lattimore.	Willacy.

Absent.

Kauffman.	Murray.
Morrow.	Terrell.

Absent—Excused.

Paulus.

The bill was read third time and
passed by the following vote:

Yeas—26.

Astin.	Carter.
Bailey.	Collins.
Brelsford.	Conner.

Cowell.	Real.
Gibson.	Taylor.
Greer.	Townsend.
Hudspeth.	Vaughan.
Johnson.	Warren.
Lattimore.	Watson.
McGregor.	Weinert.
McNealus.	Westbrook.
Murray.	Wiley.
Nugent.	Willacy.

Absent.

Darwin.	Morrow.
Kauffman.	Terrell.

Absent—Excused.

Paulus.

Senator Gibson moved to reconsider the vote by which the bill was passed and lay that motion on the table.

The motion to table prevailed.

SENATE BILL NO. 51.

(Pending Business.)

Action recurred on the pending business, Senate bill No. 51, and

Senator Wiley moved to recommit the bill.

Senator Carter moved to table the motion to recommit, which motion to table was adopted by the following vote:

Yeas—21.

Astin.	McGregor.
Bailey.	McNealus.
Brelsford.	Murray.
Carter.	Nugent.
Cowell.	Taylor.
Darwin.	Townsend.
Gibson.	Vaughan.
Greer.	Warren.
Hudspeth.	Weinert.
Johnson.	Westbrook.
Lattimore.	

Nays—5.

Collins.	Watson.
Conner.	Wiley.
Real.	

Absent.

Kauffman.	Terrell.
Morrow.	Willacy.

Absent—Excused.

Paulus.

Senator Nugent offered the following amendment:

Amend the bill by striking out the

word "felony" in line 24, page 1, and insert in lieu thereof the word "misdemeanor," and by striking out all the words after "by" in line 24, and all of line 25, and insert in lieu thereof "a fine of not less than fifty dollars nor more than one thousand dollars, or by confinement in the county jail for not less than thirty days nor more than twelve months, or by both such fine and imprisonment."

NUGENT,
WESTBROOK.

The amendment was read and Senator Carter moved to table same, which motion to table was adopted by the following vote:

Yeas—14.

Failley.	McGregor.
Brelsford.	McNealus.
Carter.	Taylor.
Darwin.	Townsend.
Greer.	Vaughan.
Johnson.	Warren.
Lattimore.	Westbrook.

Nays—13.

Actin.	Nugent.
Collins.	Real.
Conner.	Watson.
Cowell.	Weinert.
Gibson.	Wiley.
Hudspeth.	Willacy.
Murray.	

Absent.

Kauffman.	Terrell.
Morrow.	

Absent—Excused.

Paulus.

Senator Warren offered the following amendment, which was read and adopted:

Amend the bill in lines 3 and 4, of page 2, by striking out all the language following the comma, after the word "instruments" down to and including the word "participating" in line 4; and by inserting in lieu thereof the following language: "whether grantor or grantee, and all others who knowingly and intentionally participate."

Senator Collins offered the following amendment:

Amend the bill as follows: by striking out the word "ten," in line 25, page 1, of the bill, and insert in lieu thereof the word "five."

Senator Vaughan moved to table the amendment, which motion prevailed.

Senator Hudspeth offered the follow-

ing amendment, which was read and adopted:

Amend the bill by adding in line 18, page 1 after the word "properly," the word "knowingly."

The bill was read second time and passed to engrossment.

Senator Vaughan moved to reconsider the vote by which the bill was passed to engrossment and lay that motion on the table.

The motion to table prevailed.

ADJOURNMENT.

Senator Watson, at 5:50 o'clock p. m., moved that the Senate adjourn until 10 o'clock tomorrow morning.

Senator Lattimore moved, as a substitute, that the Senate recess until 8 o'clock tonight.

Action recurred on the longest time first and the motion to adjourn was adopted by the following vote:

Yeas—17.

Astin.	Real.
Brelsford.	Townsend.
Conner.	Warren.
Cowell.	Watson.
Darwin.	Weinert.
Gibson.	Westbrook.
Greer.	Wiley.
McNealus.	Willacy.
Murray.	

Nays—10.

Bailey.	Lattimore.
Carter.	McGregor.
Collins.	Nugent.
Hudspeth.	Taylor.
Johnson.	Vaughan.

Absent.

Kauffman.	Terrell.
Morrow.	

Absent—Excused.

Paulus.

APPENDIX.

BILLS AND RESOLUTIONS SIGNED BY CHAIR.

The Chair, Lieutenant Governor Mayes, gave notice of signing, and did sign, in the presence of the Senate, after their captions had been read, the following bills and resolutions:

House Concurrent Resolution No. 2,

Recommending the passage of bill pending in Congress regulating the shipment of liquor into local option territory.

House Concurrent Resolution No. 5, Being a resolution providing for the appointment of joint committee to visit Texas coast waters and make inquiry and gather information pertaining to the fish and oyster industry.

House Concurrent Resolution No. 6, Granting Hon. W. W. Beall, judge of the Thirty-second Judicial District, a leave of absence from the State.

House bill No. 29, "An Act to authorize the Missouri, Kansas & Texas Railway Co. of Texas to lease for a term of not less than twenty-five years the railroad of the Texas Central and certain other short lines within this State."

House bill No. 225, "An Act to appropriate the sum of \$100,000, or so much thereof as may be necessary, to provide funds for the operation of the penitentiary system, and declaring an emergency."

COMMITTEE REPORTS.

(Floor Report.)

Austin, Texas, February 6, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on Roads, Bridges and Ferries, to whom was referred

Senate bill No. 271, A bill to be entitled "An Act to authorize and empower Kaufman county, or any political subdivision of said county, by a vote of a two-thirds majority of the resident property taxpayers, qualified voters of such county or political subdivision thereof, voting thereon, to issue bonds to any amount, not exceeding one-fourth of the assessed valuation of the real property of such county or of such political subdivision, and to levy and collect taxes to pay the interest on such bonds and to provide a sinking fund for the redemption thereof, for the purpose of constructing, maintaining and operating macadamized, graveled or paved roads and turnpikes and prescribing ways and means of conducting and supervising said work; and providing further, making this law cumulative of the General Laws of Texas, and also cumulative of the special road laws of Kaufman county already in existence, and in case of conflict, this act to govern, and repealing all laws in conflict with this act, and declaring an emergency,"

Have had the same under consideration, and beg to report it back to the Senate with the recommendation that it do pass, and be not printed.

Taylor, Acting Chairman: Westbrook, Weinert, Townsend, McNealus.

Committee Room,
Austin, Texas, February 6, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 253, A bill to be entitled "An Act creating and incorporating the Clifton Independent School District in Bosque county, Texas, for free school purposes only, defining its boundaries, and declaring an emergency,"

And find the same correctly engrossed.

BRELSFORD, Chairman.

Committee Room,
Austin, Texas, February 6, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 233, A bill to be entitled "An Act adding to and making a part of the Slaton Independent School District of Lubbock county certain lands and territory adjoining there to situate in Lubbock county, and adding thereto and making a part thereof certain lands and territory adjoining thereto situate in Lynn county all for school purposes; giving the board of trustees of said district power and jurisdiction over said lands and territories and the inhabitants thereof; requiring such board of trustees to levy, assess, collect and pay into the county treasury annually proportional part of a certain bond tax existing on part of said territory; validating the incorporation proceedings of said independent school district,"

And find the same correctly engrossed.

BRELSFORD, Chairman.

Committee Room,
Austin, Texas, February 6, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: A majority of your Committee on Commerce and Manufactures, to whom was referred

Senate bill No. 226, A bill to be entitled "An Act to provide for the health, safety

and comfort of employes in factories, mercantile establishments, mills and workshops or other establishments in this State, and to provide for the enforcement thereof,"

Have had the same under consideration and I am instructed to report the same back to the Senate with the recommendation that it do not pass.

COLLINS, Chairman.

Committee Room,
Austin, Texas, February 6, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on Commerce and Manufactures, to whom was referred Senate bill No. 226, have had the same under consideration, and we, the minority, beg leave to report the same back to the Senate with the recommendation that it do pass.

BRELSFORD.
COLLINS.

Committee Room,
Austin, Texas, February 5, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on Public Buildings and Grounds, to whom was referred

Senate bill No. 228, A bill to be entitled "An Act to amend Article 6394, of the Revised Civil Statutes of 1911, relating to the Alamo property in the city of San Antonio, which belongs to the State, giving custody of same to the Superintendent of Public Buildings and Grounds, under the control of the Governor, and providing that it shall be restored as near as possible to its condition at the time of the massacre of the Texans in what is known as 'The Battle of the Alamo,'"

Have had the same under consideration and I am instructed to report same back to the Senate with the recommendation that it do pass.

DARWIN, Chairman.

Committee Room,
Austin, Texas, February 6, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: We, a minority of your Committee on Public Buildings and Grounds, to whom was referred

Senate bill No. 228, A bill to be entitled "An Act to amend Article 6394 of the Revised Civil Statutes of 1911, relating to the Alamo property in the city of San Antonio, which belongs to the State,

giving custody of same to the Superintendent of Public Buildings and Grounds, under the control of the Governor, and providing that it shall be restored as near as possible to its condition at the time of the massacre of the Texans in which is known as 'The Battle of the Alamo,'"

Have had the same under consideration and I am instructed to report same back to the Senate with the recommendation that it do not pass, but that the accompanying substitute (Senate bill No. 197) be passed in lieu thereof.

DARWIN.

REAL.

McGREGOR.

A BILL

To Be Entitled

An Act to amend Article 6394, Chapter 1, Title 113, providing for the care and custody of that part of the old Alamo Mission property purchased by the State adjoining the building known as the Alamo church and that same be delivered to the Daughters of the Republic of Texas, to be maintained and remodeled upon plans adopted by them and providing that no changes or alteration shall be made in the Alamo church proper except such as is necessary for its preservation, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That Article 6394, Chapter 1, Title 113, of the Revised Civil Statutes of 1911 of the State of Texas be amended so as to hereafter read as follows:

Article 6394. The Alamo, the part of the old Alamo mission property purchased by the State, adjoining the building known as the Alamo church, together with the Alamo church, are delivered to the care and custody of the Daughters of the Republic of Texas, to be maintained by them in good order and repair, without charge to the State, as a sacred memorial to the heroes who immolated themselves upon that hallowed ground, and by the Daughters of the Republic of Texas to be maintained and remodeled upon plans adopted by them; provided, that no changes or alterations shall be made in the Alamo church proper, as it now stands, except such as are absolutely necessary for its preservation; all of said property being subject to future legislation by the Legislature of the State of Texas.

Sec. 2. The fact that the property

mentioned in this article is in a state of dilapidation and unsightly and it is in a state of ruin and it is property in which there is a great interest to the entire State, and it should be beautified and remodeled, creates an emergency and imperative public necessity that the constitutional rule requiring bills to be read on three several days be dispensed with and the same is hereby dispensed with and that this act take effect and be enforced from and after its passage, and it is so enacted.

Committee Room,

Austin, Texas, February 5, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 150, A bill to be entitled "An Act fixing the salaries of the judges of the Supreme Court and Court of Criminal Appeals and the Courts of Civil Appeals in this State, and declaring an emergency,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

CARTER, Acting Chairman.

Committee Room,

Austin, Texas, February 5, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 149, A bill to be entitled "An Act to amend Article 7059, Chapter 3, Title 120, of the Revised Civil Statutes of 1911, fixing the salaries of district judges so as to provide that district judges shall receive the sum of five thousand dollars per year, and declaring an emergency,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

CARTER, Acting Chairman.

Committee Room,

Austin, Texas, February 5, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: A majority of your Committee on Internal Improvements, to whom was referred Senate bills Nos. 78 and 172, have had the same under consideration, and I am instructed to report back that a substitute be adopted in lieu thereof.

KAUFFMAN, Chairman.

Substitute for Senate bills Nos. 78 and 172.

A BILL

To Be Entitled

"An Act to authorize the St. Louis Southwestern Railway Company of Texas to purchase, own and operate as a part of its line, the railroad of the Stephenville North and South Texas Railway Company, together with all the franchises and property incident or appertaining thereto; the railroad of the Eastern Texas Railway Company each, to sell its railroad, together with all the franchises and property incident or appertaining thereto to the said St. Louis Southwestern Railway Company of Texas, and to authorize the latter company after such purchase of either of said railroads, to operate the same under its charter as part of its own line, and to extend the lines of roads so purchased and to construct branches therefrom by amendment of its charter under the General Laws of the State of Texas, and until such purchase is made, to authorize the St. Louis Southwestern Railway Company of Texas to purchase and own the capital stock of the Stephenville North and South Texas Railway Company, and the Eastern Texas Railway Company, and to regulate the reports and operations of either of said railroads and property after the purchase thereof; and to authorize each of said railway companies to execute all necessary contracts; agreements and conveyances to accomplish said purchase and sale, and declare an emergency."

Be it enacted by the Legislature of the State of Texas:

Section 1. That the St. Louis Southwestern Railway Company of Texas be, and it is hereby authorized to purchase, own and operate as part of its own lines of railroad, the railroad of the Stephenville North and South Texas Railway Company, extending, or to extend, constructed or to be constructed, from Stephenville, Erath county, Texas, through the counties of Erath and Hamilton to the town of Hamilton in said Hamilton county, Texas; thence through the counties of Hamilton and Coryell to the town of Gatesville in Coryell county, a station on the line of the St. Louis Southwestern Railway Company of Texas; also a branch line from said town of Hamilton through the counties of Hamilton and Comanche to the town of Comanche in said Comanche county, also

the right to construct a line from said Stephenville in Erath county to the town of Thurber in said county, as the said lines of railway are defined in its charter and amendments thereto, together with all the franchises and property incident or appertaining thereto, and said Stephenville North and South Texas Railway Company be, and it is hereby authorized to sell its railroad, franchise and property to said St. Louis Southwestern Railway Company of Texas, and said St. Louis Southwestern Railway Company of Texas be, and it is hereby authorized to purchase, own and operate as a part of its line of railroad, the railroad of the Eastern Texas Railroad Company extending and constructed from Lufkin in Angelina county, through the counties of Angelina, Trinity and Houston to Kennard in said Houston county, and the right to construct a line from Kennard to Crockett in said Houston county, as defined in its charter and amendments thereof, together with all the franchise and property incident or appertaining thereto; and said Eastern Texas Railway Company be, and it is hereby authorized to sell its railroad, franchise and property to said St. Louis Southwestern Railway Company of Texas, and said railway companies are hereby authorized to execute all necessary contracts, agreements and conveyances to accomplish said purchases and sales.

Sec. 2. The said St. Louis Southwestern Railway Company of Texas is hereby authorized and empowered, in the event it shall purchase the railroad of the Stephenville North and South Texas Railway Company, together with all the rights, franchises and property incident or appertaining thereto, to acquire and take title to the same, subject to all the bonds, mortgages, liens, indebtedness and other liabilities of the Stephenville North and South Texas Railway Company owing and outstanding at the time of such purchase, and may make payment therefor, either by issuing an amount of its stock or bonds, or stock and bonds, equal to the value of the property so purchased, such value to be fixed in accordance with law by the Railroad Commission of Texas, to pay for the said railroad and properties so purchased; or may make such payment by the assumption of the payment of all the bonds, mortgages, liens, indebtedness and other liabilities of the Stephenville North and South Texas Railway Company, then outstanding, or may make such payment in any other lawful

manner satisfactory to each of said railway companies; and the St. Louis Southwestern Railway Company of Texas may at any time after such purchase issue its bonds, or stocks and bonds in exchange for the bonds, or stocks and bonds then outstanding of the Stephenville North and South Texas Railway Company, the amount thereof to be approved by the Railroad Commission of Texas, and may secure any bonds so issued by mortgage upon the railroad and property so purchased, provided it shall produce to the said Railroad Commission satisfactory evidence of the cancellation of the bonds or stocks and bonds, as the case may be, of the said Stephenville North and South Texas Railway Company, for which said exchange is to be made.

Sec. 3. The St. Louis and Southwestern Railway Company of Texas is hereby authorized and empowered, in the event it shall purchase the railroad and properties of the Eastern Texas Railroad Company as herein provided, to issue and negotiate its bond or bonds, from time to time, subject to the laws of the State of Texas, secured or to be secured by mortgage or mortgages upon the railroad and properties so purchased, or may issue such bonds and secure the same under and by virtue of any of the existing mortgages of the St. Louis Southwestern Railway Company of Texas as it may elect and determine. the amount of such bond or bonds to be the value of the railroad, franchise and property authorized by this act to be purchased, as such value shall be ascertained by the Railroad Commission of Texas, proceeding under the law regulating the issuance, approval and registration of bonds by railway companies in the State of Texas; provided that before said St. Louis Southwestern Railway Company of Texas shall be authorized to issue said bond or bonds, secured, or to be secured by mortgage or mortgages as aforesaid, the outstanding capital stock of the Eastern Texas Railroad Company shall be cancelled and extinguished and satisfactory evidence thereof shall be furnished the Railroad Commission of Texas before the issuance of such bond, or bonds, or the approval or registration thereof is authorized.

Sec. 4. The Stephenville North and South Texas Railway Company, in the event of the sale of its railroad and properties to the St. Louis Southwestern Railway Company of Texas, is hereby authorized to continue its organization and to construct extensions and branch lines connected with the property sold,

to issue stocks and bonds as provided by law, with the approval of the Railroad Commission of Texas, on account of such construction, and to secure its bonds so issued by existing mortgage, or a new mortgage on such property, and to sell the extensions and branch lines so constructed, to the St. Louis Southwestern Railway Company of Texas in the same manner as provided herein for the sale of its existing properties; or in the event of such sale, the St. Louis Southwestern Railway Company of Texas shall complete the unfinished portion of the railroads so purchased between the termini as defined in the charter of the Stephenville North and South Texas Railway Company, and amendments thereof, and in addition thereto may construct other extensions and branch lines by proper amendment of its own charter, and may issue bonds to be approved by the Railroad Commission of Texas, on account of such construction, as provided by law, either in its own name or in the name of the Stephenville, North and South Texas Railway Company, and secure the same by mortgage on said property so purchased.

Sec. 5. After the purchase and sale of either of said railroads and properties authorized by this act, said St. Louis Southwestern Railway Company of Texas may file in the office of the Secretary of the State of Texas, a certified copy of the conveyance of any of the property so purchased, and may without further corporate action, include the operation of such railroad and properties so purchased or constructed, in accordance with the provisions of this act, with the operations of its own lines in the reports required to be made to the Railroad Commission of Texas or any other department or officer of the State or Federal Government. The St. Louis Southwestern Railway Company of Texas, in the event of the purchase of either of the railroads and properties authorized by this act, is hereby empowered, authorized and required to assume the payment of all existing indebtedness and liabilities of the railway company whose railroad and property it has so purchased or constructed, including all indebtedness and liabilities of every character whatsoever; and the property so sold shall be subject to execution and sale for any judgment rendered on account of such indebtedness or liabilities, and no cause of action for such indebtedness or liability in existence at the time of such purchase, shall be otherwise affected thereby, provided

the existing indebtedness, whether secured by mortgage or otherwise of the St. Louis Southwestern Railway Company of Texas may guarantee or cause to be guaranteed, the payment of the bonds of the Stephenville North and South Texas Railway Company outstanding, or to be hereafter issued, both as to principal and interest.

Sec. 7. The courts of this State are required to take judicial notice of this act and of the powers and privileges herein granted in the same manner as if the same were a general law. Provided that the provisions of this bill shall not be of any binding force and effect until after the Eastern Texas Railroad Company shall have extended its line of railroad from Kennard, in Houston county, Texas, its present terminus, to Crockett, Houston county, Texas, a distance of seventeen miles, as called for by an amendment to the charter of said Eastern Texas Railroad Company.

Sec. 8. The fact that important public interests are to be subserved by the passage of this act, providing for the enlargement of an important railroad system of this State, and the crowded condition of the calendar, create an imperative public necessity and an emergency, which justifies the suspension of the constitutional rule requiring bills to be read on three several days, and such rule is therefore suspended, and this act shall take effect and be in force from and after its passage and it is therefore so enacted.

Committee Room,

Austin, Texas, February 5, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: A minority of your Committee on Internal Improvements, to whom was referred Senate bill No. 78, have had the same under consideration, and beg to report the same back to the Senate with the recommendation that it do pass.

KAUFFMAN,
HUDSPETH,
TAYLOR,
REAL,
COWELL.

Committee Room,

Austin, Texas, February 5, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: A minority of your Committee on Internal Improvements, to whom was referred Senate bill No. 172, have had the same under consideration, and I am

instructed to report the same back to the Senate with the recommendation that it do pass.

KAUFFMAN,
HUDSPETH,
TAYLOR,
REAL,
COWELL.

Committee Room,

Austin, Texas, February 5, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on Constitutional Amendments, to whom was referred

Senate Joint Resolution No. 3, Providing for the ratification and adoption by the State of Texas of the amendment to Section 3, of Article 1, of the Constitution of the United States, proposed by the Sixty-second Congress of the United States, providing that Senators be elected by the people of the several States.

To whom was also referred

House Joint Resolution No. 5, Ratifying the amendment to the Constitution of the United States of America, proposed by the Sixty-second Congress of the United States of America at its first session, providing that Senators shall be elected by the people of the several States.

Have had said joint resolutions under consideration, and I am instructed to report to the Senate that the Senate joint resolution does not follow the usual form, and that the House resolution is in due form and we report to the Senate that we recommend that Senate Joint Resolution No. 3 do not pass, and that House Joint Resolution No. 5 do pass.

VAUGHAN, Chairman.

Committee Room,

Austin, Texas, February 5, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on Constitutional Amendments, to whom was referred

House Joint Resolution No. 5, Ratifying the amendment to the Constitution of the United States of America, proposed by the Sixty-second Congress of the United States of America at its first session, providing that Senators shall be elected by the people of the several States,

Have had the same under consideration and I am instructed to report same

back to the Senate with the recommendation that said joint resolution do pass.

VAUGHAN, Chairman.

Committee Room,

Austin, Texas, February 5, 1913.

Hon. Will H. Mayes, President of the Senate:

Sir: Your Committee on Internal Improvements, to whom was referred

Senate bill No. 115, A bill to be entitled "An Act providing for the creation of toll railways in this State, and defining their powers and duties,"

Have had the same under consideration and I am instructed to report the same back to the Senate with the recommendation that it do pass.

KAUFFMAN, Chairman.

Committee Room,

Austin, Texas, February 5, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on Internal Improvements, to whom was referred

Senate bill No. 201, A bill to be entitled "An Act to authorize the Houston and Texas Central Railroad Company to purchase, own and operate the railroad of the Hearle and Brazos Valley Railroad Company, with the franchises and other property thereunto appertaining, and to authorize the Houston and Texas Central Railroad Company to issue additional mortgage bonds to the amount of the value of the railroad franchises and appurtenances so purchased as fixed or as the same may be fixed, by the Railroad Commission of Texas, and to regulate the reports of the operations of such properties,"

Have had the same under consideration and I am instructed to report the same back to the Senate with the recommendation that it do pass.

KAUFFMAN, Chairman.

Committee Room,

Austin, Texas, February 6, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on Stock and Stock Raising, to whom was referred

Senate bill No. 114, A bill to be entitled "An Act to exempt from the provisions of Chapter 76 of the General Laws of the State of Texas passed by the Thirty-second Legislature at its Regular Session, entitled 'An Act to regulate the practice of veterinary medicine, surgery and dentistry; creating a board for the examination of applicants for the practice

of veterinary medicine, surgery and dentistry; prescribing their powers, duties and qualifications; said board to be known as the State Board of Medical Examiners, prescribing penalties for a violation of the provisions of this act, and declaring an emergency,' all those who had been for three years before said act went into effect regularly engaged in the counties of their residence in the practice of veterinary medicine, surgery and dentistry, and declaring an emergency,"

Have had the same under consideration and I am instructed to report the same back to the Senate with the recommendation that it do pass.

ASTIN, Chairman.

Committee Room,

Austin, Texas, February 6, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on Stock and Stock Raising, to whom was referred

Senate bill No. 185, A bill to be entitled "An Act to amend Section 12, Section 15 and Section 18, Chapter 5, Acts of the Thirty-second Legislature, 1911, of an act to provide for the eradication of sheep scab within the State, prohibiting the importation of scab-infected sheep, providing for a State inspector and county inspector of sheep, and defining their duties, repealing Title 111 of the Revised Statutes of Texas, and all laws and parts of laws in conflict herewith, making an appropriation to carry this act into effect, prescribing penalties, and declaring an emergency,"

Have had the same under consideration and I am instructed to report the same back to the Senate with the recommendation that it do pass.

ASTIN, Chairman.

Committee Room,

Austin, Texas, February 6, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Substitute for Senate bill No. 22, A bill to be entitled "An Act amending Chapter 104 of the General Laws passed by the Thirty-second Legislature at its Regular Session, by adding at the end of Section 2, Sections 2a and 2b; prescribing additional duties for the State Inspector of Masonry, Public Buildings and Works, and providing for the appointment of assistants by him, defining

their duties and fixing their compensation, and declaring an emergency."

And find the same correctly engrossed.
TERRELL, Acting Chairman.

Committee Room,
Austin, Texas, February 5, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 36, A bill to be entitled "An Act to enlarge the jurisdiction of the county court of Harris county for civil cases so as to confer upon it, in addition to the jurisdiction now vested in said court, jurisdiction over misdemeanor criminal cases; and to change the name of the said county court of Harris county for civil cases; and providing for the transfer of the misdemeanor criminal cases now pending upon the docket of the criminal district court of Harris county to the docket of the said county court; and providing for the compensation of the judge of said court; and providing that the clerk of the criminal district court of Harris county shall attend upon county court in all criminal matters, and declaring an emergency."

And find the same correctly engrossed.
TERRELL, Acting Chairman.

PETITIONS AND MEMORIALS.

By Lieutenant Governor Will H. Mayes:

Telegram advising that the Fourth District Federation of Women's Clubs, endorses the married women's property right bill.

By Senators McGregor, Murray, Townsend, Johnson and Greer:

Petitions numerous signed by citizens of their respective districts protesting against passage of bill assessing high license against rural wagon vendors of medicines, etc.

By Senator Carter:

Petition signed by a committee of the Marshall Pastors' Union protesting against the passing of legislation declaring the playing of baseball on Sunday a legal amusement.

By Senator Townsend:

Petition signed numerous by citizens of Kennard, Texas, and vicinity, indorsing the position of Senator Townsend in

reference to his Cotton Belt Consolidation bill.

By Senator Hudspeth:

Letters and telegrams received by Gov. O. B. Colquitt from various citizens residing in different sections of the State transmitting messages the tenor of which is substantially as follows:

"I wish to see the Alamo saved, repaired and restored to the condition it was before the Siege of the Alamo. I stand with you for the saving of the Alamo and the conservation of Texas history, and I thank you for the position you have taken in the matter. I am a descendant of one of the pioneers of Texas and I am one of the original Daughters of the Republic of Texas."

EXECUTIVE MESSAGE.

Governor's Office,
Austin, Texas, February 5, 1913.

To the Texas Legislature:

The platform of the Democratic party adopted at San Antonio in August last pledged the administration and the Legislature to a comprehensive and constructive educational program, and I quote the platform in full here as it can not be repeated too often:

"We recommend that our educational system, from the primary school to the university, shall not longer suffer from faulty organization and insufficient financial support. The Democratic party of Texas, therefore, pledges the Thirty-third Legislature to make liberal appropriations for the support and development of our entire educational system. We favor more efficient county supervision and the extension and betterment of our rural schools and the teaching in them of industrial and agricultural subjects. We favor the submission of an amendment which will provide that any county may levy, by a majority vote of the taxpayers thereof, a county tax for the better maintenance of the schools of such county. We further favor that the Legislature propose and submit an amendment to Section 11 of Article 16 of the Constitution, providing for the complete divorcement of the University and the Agricultural and Mechanical College, and remove the inhibition against making appropriations out of the general revenue for the erection of buildings for the University, and that a just and equitable division of the permanent university fund be made—as between the University and the Agricultural and Mechanical College. We en-

dorse the proposed amendment to Article 16 of the Constitution providing for six-year terms of office for university regents and boards of managers, and trustees of other State colleges, schools, eleemosynary and penal institutions, and we call upon all good Democrats throughout the State to vote for this amendment to the end that a law may be enacted by the Legislature providing that the terms of members of such boards may be arranged so that the terms of office of one-third of each board may expire every two years, thus insuring these institutions against frequent changes of management, to their detriment.

"Under existing law it is provided that school trustees of districts which levy a special tax may extend the scholastic age in such districts to 21 years. We favor an amendment giving all trustees authority to extend the scholastic age in their discretion or upon vote of the district.

"We also recommend that the Legislature pass a law giving boards of school trustees power to compel all idle children to attend school. We recommend the passage of a law which will authorize school trustees in districts that may vote a special tax to supply text-books to children attending school in such districts, and to pay for the books thus furnished out of revenues derived from local taxation."

The platform on this question recites the declaration of the first section of the article in our Constitution providing for a system of public education. "A general diffusion of knowledge being essential to the preservation of the liberties and rights of the people," being fundamentally correct, the platform demands the carrying out of this declaration in its full meaning and calls for and pledges the Thirty-third Legislature to the enactment of laws for the development of our entire educational system. No amount of piecemeal work on this great subject will be a full response to the demands of the party, nor answer the needs and requirements of the people.

A State's Greatest Asset.

The time has come in Texas when we should put our educational system upon a solid and enduring foundation. Money now expended in patching up the system will be money wasted; we must act upon the principles of broad-mindedness and look down the vista of years ahead and provide something that will be worthy of ourselves and to meet the needs of succeeding generations. A comprehensive

and efficient system of public education is at once the most helpful and beneficial governmental charity ever undertaken. Words are inadequate to express the general good the system of training the youthful mind will be in preserving the rights and liberties of the people. When every mind can grasp and understand intelligently the issues he is called upon to settle by his ballot, the power of the unscrupulous demagogue and political boss will disappear. Public intelligence is the State's greatest asset. The richness of the Texas climate, the productiveness of her soils, her great farms, and herds, and pastures, and domain, are insignificant compared to the benefits of a general diffusion of knowledge; with competent education her limitless resources can be developed, controlled and used to the infinite advantage of her people.

Let those of us charged with the duty of carrying out the pledges to which we are committed address ourselves to the subject with determination that no charge of neglect can be laid at our door by the present or future generations. The promises made are the culmination of a campaign of discussion in which these things were promised by the successful candidates for executive and legislative office. I am confident, therefore, of speedy action by the Legislature, and especially appeal to the law-making branch of the Government to co-operate with me in broadening and deepening the foundation of our educational system.

Separate Provision.

Adequate provision by constitutional amendment, if necessary, for liberal and independent income for the support and development of the State institutions of higher learning, is demanded. These institutions of "higher learning" embrace the University of Texas, the Agricultural and Mechanical College, which includes the Prairie View Normal College for Colored Youths, the College of Industrial Arts for White Girls, and the four State Normal Colleges. To make this separate provision, an amendment to the Constitution will be necessary, because the State University can not be developed under the present limitations imposed upon it by the terms of the Constitution, which stipulates that no money shall be appropriated out of the general revenues for buildings for that institution. The platform calls for the submission of an amendment to eliminate this limitation against the University from our organic law. Any separate

provision that might otherwise be made that would not comprehend the development of the University, as well as its support, would be a farce and fall short of what is necessary to carry out the great plans embraced in the demands of the Democratic platform to which the administration is committed. The income from the permanent university land endowment is not sufficient to develop the State's principal institution of learning.

Efficient Country Schools.

Above all, the platform calls for a more efficient system of country schools and demands an amendment of the Constitution which will allow the counties through a vote of their people to supplement the county school funds by a county school tax. I make the assertion that no school system is efficient which does not allow the people to tax themselves locally for their upbuilding. It is local interest in schools which usually builds them up and makes them better. This being true, the limit now imposed upon the amount that the people of a community or district can levy for the support of their schools ought to be taken off. It seems to me that the people can limit themselves in the amount of tax they want to vote for public school purposes. The voters in each district should be permitted to fix and determine the amount themselves, and levy enough to make their schools what they want them to be. If these changes are made in our Constitution the schools of any town or community need not be held back in their development because of this limitation or the indisposition of other communities or sections of the State to favor an increase in the general tax for educational purposes. If you will leave it for regulation of the people under the principle of local self-government, the schools in many counties and cities will go forward in development in such a degree that others seeing their good work will follow in their footsteps.

College Divorcement.

An amendment to Section 11, of Article 7, of the Constitution, is called for, completely divorcing the Agricultural and Mechanical College from the University of Texas. As now worded Section 11 of Article 7 does not mention the A. & M. College. But Section 13 confirms an act passed by the Legislature April 17, 1871, which established and located the Agricultural College in Brazos county "for instruction in agriculture and mechanic arts and the nat-

ural sciences connected therewith." The same section provides that the Legislature shall at the next session make an appropriation "not to exceed forty thousand dollars for the construction and completion of the buildings and improvements and furniture necessary to put the college in immediate and successful operation." Then follows Section 14, with the declaration that "no tax shall be levied and no money appropriated out of the general revenue for the establishment and erection of buildings of the University of Texas." Each Legislature since the adoption of the Constitution in 1876 has appropriated money for the establishment and erection of buildings at the Agricultural and Mechanical College, but has not appropriated money for the erection of buildings for the University of Texas. My construction of these provisions has been that whereas Section 13 makes and establishes the Agricultural and Mechanical College as a branch of the University, it does so as a separate and independent college, and exempts it from the limitations placed on the University as to making appropriations out of the general revenue. All the Governors of the State but one evidently placed the same construction on the Constitution, or they would not have approved appropriations for the Agricultural and Mechanical College out of the general revenue. But the friends of the college have asked, and the platform demands, the submission of an amendment to the Constitution completely divorcing it from the University, and this promise should be kept.

Other Demands.

Other demands for legislation called for by the educational plank, such as amending the law so as to allow the trustees of schools to extend the scholastic age and permitting them to furnish text-books out of local taxes, and providing for compulsory attendance of idle children in school, were discussed in the general message to the Legislature and will not be further mentioned here, except to express the hope that they will be complied with in the spirit of the platform.

Basis of Apportionment.

The basis of apportionment of the public school fund now is on scholastic population. But this is not a fair one to the children who are attending school. In districts where the colored or Mexican population is heavy enough money is obtained from the State, without local tax-

ation, to run the schools six, and in many counties or communities, nine months in the year. This is because the colored and Mexican children are enumerated but do not attend school with any regularity, and often not at all. This explains the reason why the terms of school are so much longer in counties on the Rio Grande and in the counties where the colored population is heaviest. Their terms of school, on the State funds, are usually longer than in the counties like Grayson and Collin, where special taxes are voted by the people of districts in supplement to the State school funds. The Constitution prescribes the present basis, but it should be changed so as to admit of the adoption of a basis which would distribute the benefits of the State fund more equitably to those attending school. If compulsory attendance is required then the present basis would be fair.

Medical Branch.

The medical branch of the University, located at Galveston, ought to be improved and a dental department added to it. This should not be done by separate legislation beyond requirement that the Board of Regents should provide for it as soon as the finances of the University will permit them. Philanthropic citizens of Galveston have offered to donate money to aid the erection of a suitable and safe nurse home on condition that the Board of Regents would provide an equal sum. The building now used for this purpose is insecure, in fact, a veritable fire trap. The matter is one of importance. But all such improvements can be made upon an adequate and enduring scale if my suggestions for the University meet with the approval of the Legislature and the people.

A Great University.

I want to see Texas build a great university—one of the first class and second to none in all the United States. We have talked much about our boasted university fund, but it has retarded rather than developed the University. It is the only institution of learning the State has founded which the Legislature is prohibited from appropriating money for the erection of buildings. The buildings that have been constructed are inadequate in every way. They have been built piecemeal and only when the Legislature could be induced to appropriate money enough for maintenance to justify the regents to apply the available uni-

versity revenue in the erection of additions and buildings. Accompanying this message is a proposed amendment to Article 7 of the Constitution. It embraces all the platform recommendations, and presents in fundamental form my views as to what should be done for our schools and colleges. It provides that the Legislature may levy as much as ten cents on the hundred dollars of taxable values, or so much thereof as may be necessary, for the support of the higher institutions of learning in this State; 44 per cent of what may be levied to be applied without further legislative action to the support of the University of Texas; 29 per cent to the support of the Agricultural and Mechanical College; 18½ per cent to the support of the four State Normal Colleges; 5½ per cent to the College of Industrial Arts for Women, and 2½ per cent to the Prairie View State Normal and Industrial College. What a great pity the founders of our educational system did not foresee the great advantage there would have been in combining all these great institutions of learning in one great university, at one place and under one government and control. With them working together and co-operating as one great institution, the good that could have been accomplished would have been wonderful. If we add to the legislative appropriations for the two fiscal years beginning September 1, 1911, the sums the Agricultural and Mechanical College receives from sources other than the Legislature, and the deficiencies created in its favor, the total sum available for the support of these higher educational institutions is \$2,712,839.82. This is a princely sum, and after allowing the cost of assessing and delinquencies, is equal to a tax rate of seven cents on the hundred dollars of the taxable values in this State. This sum is almost equal to the total amount spent in buildings and in maintaining the great Wisconsin University annually, where all these colleges are combined and go to make up the university of that State. The task of building such a university in Texas would be easy if public sentiment could be informed of the merits of such an institution, and local selfish interests could be kept from dominating the issue. Such an institution would furnish all that could be desired. But if we can't have this kind of a university we will have to content ourselves with dividing it up and scattering it around the State as is now the case, and make up our minds to develop them separately and

make them respond to the needs and requirements of the people of this great commonwealth.

An Ideal University.

If I had the planning and making of a university, I would have a campus of ample acreage, and on that campus I would erect buildings more magnificent and commodious than those we now have in this State, and I would call these buildings the "Agricultural and Mechanical College." And on the same campus I would build magnificent structures more commodious and complete than all the State Normal Schools we now have, and call them the "Normal College." Then there would be erected an art and industry building many times more commodious than the college we now have, and that I would call the "College of Arts and Industry," in which the arts and industries for men and women should be taught. Then I would build a substantial structure and call it the "Law College," and another magnificent building far more complete and capacious than any we have, and call it "The Medical College." In the center of the campus I would build a magnificent main building of Texas granite large enough to afford accommodations not only for the present, but for the future generations, and I would call the whole the "University of Texas." The students attending any of these colleges could then get the advantage of a course in any or all of them; the advantages of all of them would be open to students attending any one of them. Some may say this is a dream: if so, it is one that should have been now a realization and is yet possible. The combined strength and usefulness of such a university would be felt all over the world. Here, in such a university, I would teach letters, arts, science, agriculture, mechanics, engineering, architecture and everything else needful to develop the mind and equip it to grapple with the problems of life.

Without Cost to Taxpayers.

The plan proposed in the joint resolution referred to is to authorize the University to issue bonds based upon its endowment of lands and securities with which to secure ample money to erect buildings and acquire additional grounds. The income from these lands and securities has increased under the present management until now it amounts to over \$140,000 per annum. Any bonded indebtedness, whether large

or small, will be discharged at its maturity by the creation of a sinking fund of two per cent, annually reinvested. The Legislature ought to provide that as much as three million dollars in University bonds can be issued, and pledge the income from the endowment fund to meet interest charges, and create a sinking fund of two per cent to discharge the debt at maturity of the bonds. With the State guaranteeing them they can be sold with ease at a premium of 25 per cent. With the larger part of the proceeds from the sale of these bonds there should be built a magnificent granite building in place of the fire trap now being used. With the remainder of the proceeds additional ground could be purchased, and dormitories for young ladies erected, giving accommodation and protection to the young womanhood of Texas who desire the educational advantages the University would give them. In addition to the buildings and grounds needed, a student's loan fund ought to be created from which deserving young men and women who are not able to attend the University without aid, may borrow a small sum to assist them in the completion of their education, to be repaid out of the first moneys earned by them after graduation. To my mind this is one of the best features of the proposed new Article 7, which accompanies this message.

Issue Bonds to Build.

But it can not be expected that great universities and colleges can be built and established out of a mere pittance from each year's taxes. There has been a prejudice against issuing bonds for public improvements, but it is a good sign to note this prejudice is fast passing in this State. In the past it has been denounced by designing men because they could appeal to a certain prejudice because of a want of understanding of the good business of this course. Now we are paving streets, building good roads, good school houses and making other great improvements in the cities and counties and school districts, by issuing bonds. These bonds are payable some of them twenty, thirty and forty years hence. The advantage of this course lies in the fact that it furnishes money for the present to supply substantial improvements for the present generation to enjoy and leaves them for the future, but requires of this generation to pay only a small part of the burden by way of interest and sinking fund to pay off the bonds at ma-

turity. This is one of the blessings that will come to the present generation if money is secured in this way to build the University and Agricultural and Mechanical College. These buildings and their equipment properly will benefit the present generation, but the present generation will have to pay only its portion of the cost. The improvements will be handed down to our children and they will bear their part of the cost, and so on. The debt will only represent an asset that will be the most valuable we can bequeath to the future.

Student's Loan Fund.

Effort has been made in the past to create prejudice against the University and the Agricultural and Mechanical College. Much that these institutions have needed has been withheld partly in satisfaction of this prejudice. Happily, this kind of demagoguery is passing away. Need for higher education is recognized by all people, and heretofore much of its cost, especially in the case of the University, has been borne out of revenues coming from the endowment funds. Some effort used to be made to show that the University and the Agricultural and Mechanical College were "rich men's" schools, but this is easily shown to be untrue. Out of a student body of nearly two thousand now attending the University over six hundred young men and young women are working their way through that institution, earning their board by waiting on the tables at boarding houses and in other ways. And these young men and young women are honored by the student body and some of them stand at the head of their classes. An institution that affords this opportunity for worthy young men and young women and under such circumstances, can not be said to be discriminating on account of wealth or social conditions. There are more farmers' sons and daughters attending the University, I am told, than even attend the Agricultural and Mechanical College. For worthy young men and young women such as those I have referred to, a student's loan fund should be created from which they could borrow a small sum annually, according to regulations to be prescribed by law or rules of the Board of Regents to aid them in the completion of their education, they being required to pay it back with small interest from their first earnings after graduation. Such a fund would do untold good, as I conceive it, and will bring the University within reach of all.

What I say about the development and improvement of the University applies with equal force to the Agricultural and Mechanical College, the normal schools and the College of Industrial Arts. Fully six hundred thousand dollars have been or will be spent on these institutions for buildings alone for the two fiscal years ending the 31st of next August. If these sums could have been expended toward the erection of a university as I have described, it would have marked a great step toward the end, in establishing an institution of the kind which will endure as long as the government lasts.

Three Years' Comparison.

The following shows the sums of money expended at the University of Texas and at the Agricultural and Mechanical College for all purposes for the three years named—three fiscal years beginning September 1, 1910:

University of Texas, 1910, \$483,542.00; 1911, \$449,728.00; 1912, \$581,273.00; total, \$1,514,543.00.

Agricultural and Mechanical College, 1910, \$446,855.67; 1911, \$700,926.82; 1912, \$704,813.00; total, \$1,852,595.49.

The figures for the Agricultural and Mechanical College have been difficult to secure, and they are taken from various sources, and include the sums received from the Federal Government, from appropriations and deficiencies allowed, and a deficiency in operation of \$87,265.83 for the fiscal year ending August 31, 1912. The figures for the Agricultural and Mechanical College include the tax on feed inspection of \$75,548.00 for 1910, \$82,027.00 for 1911, and \$97,233.00 for 1912. I believe it is conceded that the Iowa Agricultural and Mechanical College stands at the head of the list of such colleges in the United States. The figures for the University include the medical branch at Galveston.

Comparison With Other Colleges.

The following comparison is made with other leading agricultural and mechanical colleges in the amount expended for the past three years:

	1910.	1911.	1912.
Iowa	\$608,149.00	\$769,555.00	\$941,474.00
Texas	446,855.67	700,926.82	704,813.00
Kan..	407,476.00	495,158.00	672,555.00
Mich..	404,673.00	416,391.00	452,418.00

In each instance the totals include the sums appropriated by the United States Government in aid of these agricultural colleges. Included in the sums expended for the Agricultural and Mechanical College of Texas are the deficiencies. It should also be stated that out of the sums collected by the college from feed inspection \$39,862.00, \$32,865.00 and \$38,244.00 were expended for the years 1910, 1911 and 1912, in administering the feed control law. The revenues from this source for the current fiscal year are estimated at the figures for last year.

Attendance and Per Capita Cost.

The enrollment of the University for the past three years and per capita cost was as follows:

	1910.	1911.	1912.
Enrollment ..	1939	2038	2332
Per capita cost	\$248.86	\$214.35	\$300.56

The enrollment at the A. and M. College for three years and per capita cost is as follows:

	1910.	1911.	1912.
Enrollment ..	1080	1129	1001
Per capita cost	\$410.75	\$620.84	\$704.10

This difference in the cost per capita of the two institutions is very great and looks unreasonable, but the figures seem to be approximately correct. The figures for both institutions include sums expended for buildings, maintenance and everything else.

Business Managers.

These figures show conclusively the importance of creating the office of business managers for the University and the Agricultural and Mechanical College. It is out of the question for the Boards of Regents and Trustees of these colleges to give the necessary time and attention to the business affairs of the institutions that they need. I am advised that the Board of Regents of the University have determined to establish the position of business manager for that institution, and the Agricultural and Mechanical College should follow the example. These business managers should be provided for by law and their duties defined. Notwithstanding the large appropriations for the Agricultural and Mechanical College by the last Legislature and the heavy deficiencies granted for building, the Board of

Trustees report a deficiency in the upkeep account of over \$87,000.00. They frankly admit to me that this could have been avoided with judicious business management.

I earnestly ask the favorable consideration of the Legislature of this great question. It is one of transcendent importance, and if the recommendations made are carried out it will result in everlasting benefit to this as well as future generations of Texans. The proposed constitutional amendment hereto attached and made a part of this message, if submitted promptly and adopted will lay the foundation of a great system of education.

Respectfully submitted,
O. B. COLQUITT,
Governor of Texas.

A JOINT RESOLUTION

A joint resolution proposing amendments to Article 7, of the State Constitution so as to provide for a more efficient system of public education, and making an appropriation to pay for advertising the Governor's proclamation submitting the same to a vote of the people, and to meet other necessary expenses required by this joint resolution.

Be it Resolved by the Legislature of the State of Texas:

Section 1. That the Legislature proposes and submits to the people the amendments to Article 7 of the State Constitution so as to provide for a more efficient system of public education, and to read as follows, to wit:

ARTICLE 7.

Public Education.

Section 1. A general diffusion of knowledge being essential to the preservation of the liberties and rights of the people, it shall be the duty of the Legislature of the State to establish and make suitable provision for the support and maintenance of an efficient system of public free schools.

Sec. 2. All funds, lands and other property heretofore set apart and appropriated for the support and maintenance of public schools, all the alternate sections of land reserved by the State out of grants heretofore made or that may hereafter be made to railroads or other corporations, of any nature whatsoever, one-half of the public do-

main of the State, and all sums of money that may come to the State from the sale of any portion of the same, shall constitute a perpetual school fund.

Sec. 3. A poll tax of one (\$1) dollar on every male inhabitant of this State between the ages of twenty-one and sixty years, shall be annually levied for the benefit of the available public school fund, and the Legislature shall provide for its collection and prescribe suitable penalties for failure to pay same. One-fourth of all revenue derived from State occupation taxes, gross receipts taxes, and taxes on income, shall be set apart annually for the benefit of the public free schools, and, in addition thereto, there may be levied and collected an annual ad valorem State tax of such an amount, not to exceed 20 cents on the \$100 valuation, as with the available school fund arising from all other sources, will be sufficient to maintain and support the public free schools of this State for a period of not less than six months in each year. The Legislature shall also provide for the formation of school districts by general or special law, without the local notice required in other cases of special legislation, and all such school districts, whether created by general or special law, may embrace parts of two or more counties. And the Legislature shall be authorized to pass laws for the assessment and collection of taxes in all said districts and for the management and control of the public school or schools of such districts, whether such districts are composed of territory wholly within a county or in parts of two or more counties. The Legislature may authorize an additional ad valorem tax to be levied and collected within all school districts heretofore formed or hereafter formed for the further maintenance of public free schools, and the erection and equipment of school buildings therein, provided that a majority of the qualified property tax-paying voters of the district, voting at an election to be held for that purpose, shall vote such tax. And when the citizens of any city or town have a charter, authorizing the city authorities to levy and collect a tax for the support and maintenance of public education, such tax may hereafter be levied and collected, if at an election held for that purpose a majority of the qualified property tax-paying voters of such city or town, voting at said election, shall vote for such tax. Cities and towns which have voted for the levying and collection of a tax as heretofore authorized by

Section 10, of Article 11, of this Constitution, may continue to levy and collect the tax so voted, or may increase or diminish the amount of such tax in such manner as the Legislature may direct, in accordance with this section of the Constitution. Every school district heretofore formed, whether formed under the general law, or by special act, and whether the territory embraced within its boundaries lies wholly within a single county or partly in two or more counties, is hereby declared to be, and from its formation to have been, a valid and lawful district. All bonds heretofore issued by any such district which have been approved by the Attorney General and registered by the Comptroller, are hereby declared to be, and at the time of their issuance to have been, issued in conformity with the Constitution and laws of this State, and any and all such bonds are hereby in all things validated and declared to be valid and binding obligations upon the district or districts issuing the same. Each such district is hereby authorized to, and shall, annually levy and collect an ad valorem tax sufficient to pay the interest on all such bonds, and to provide a sinking fund sufficient to redeem the same at maturity, not to exceed such rate as may be provided by law. And all trustees heretofore elected in districts made up of more than one county are hereby declared to have been duly elected, and shall be and are hereby named as trustees of their respective districts, with power to levy the taxes herein authorized until their successors shall be duly elected and qualified as is or may be provided by law.

Sec. 4. The lands herein set apart to the public free school fund shall be sold under such regulations, at such time, and on such terms as may be prescribed by law; and the Legislature shall not have power to grant any relief to purchasers thereof. The Comptroller shall invest the proceeds of such sales, and of those heretofore made, as may be directed by the State Board of Education herein provided for, in the bonds of the United States, the State of Texas, or counties of such State, or in such other securities and under such restrictions as may be prescribed by law; and the State shall be responsible for all investments.

Sec. 5. The principal of all bonds and other funds, and the principal arising from the sale of the lands hereinbefore set apart to the public school fund, shall be the permanent school fund

of the State. All the interest derivable therefrom, and the taxes herein authorized and levied shall be the available school fund, and be applied annually to the support of the public free schools. No law shall ever be enacted appropriating any part of the permanent or available public school fund to any other purpose whatsoever; nor shall the same or any part thereof ever be appropriated to or used for the support of any sectarian school. The available school fund herein provided shall be distributed to the several counties according to their scholastic population, or on such other fair and equitable basis as the Legislature may adopt, and be applied in such manner as may be provided by law.

Sec. 6. All lands heretofore or hereafter granted to the several counties of this State for educational purposes are of right the property of said counties respectively to which they were granted, and title thereto is vested in said counties, and no adverse possession or limitation shall ever be available against the title of any county. Each county may sell or dispose of its land in whole or in part, in manner to be provided by law. Actual settlers residing on said land shall be protected in the prior right of purchasing the same to the extent of their settlement, not to exceed one hundred and sixty acres, at a price fixed by law, which price shall not include the value of existing improvements made thereon by settlers. Said lands, and the proceeds thereof, when sold, shall be held by said counties alone, as a trust for the benefit of public schools therein; said proceeds to be invested in bonds of the United States, the State of Texas, or counties in said State, or in such other securities, and under such restrictions as may be prescribed by law; and the counties shall be responsible for all investments. The interest on land notes, from leases and other revenues derived from the county school lands, shall be available funds, and be apportioned on the per capita basis to the scholastic children in the county: Provided, that a majority of the qualified property tax-paying voters of any county may supplement the county available school fund by the levy and collection of a tax not to exceed twenty cents on the one hundred dollars of valuation of property subject to taxation in the county.

Sec. 7. Separate schools shall be provided for the white and colored children, and impartial provision shall be made for both.

Sec. 8. The Governor, Comptroller, and Secretary of State, shall constitute

the State Board of Education, and shall distribute the State school fund to the several counties and perform such other duties concerning public schools as may be prescribed by law. The Governor shall be ex-officio president of the State Board of Education.

Sec. 9. The Legislature shall provide for the establishment and organization of the University of Texas; and, for its development, maintenance and support, shall make, by special tax levy, and by appropriation of same, and by University bond issue, or by any or all of them, such provision in addition to that heretofore made and made herein, as may be necessary for the promotion of literature and the arts and sciences, pure and applied, in a university of the first class. A Board of Regents, composed of nine members, to be appointed by the Governor, is hereby created, and it shall have general executive control of the University of Texas. The Board of Regents shall designate the officers of administration and instruction; shall determine their salaries and the compensation of all employes; establish departments, subdivisions, libraries, laboratories, experiment and research organizations and other agencies for higher education and research; shall set aside and create out of university revenues a student loan fund as may be provided by law, and perform such other duties as the Legislature may prescribe.

Sec. 10. The principle of all bonds and other funds, all lands and other property, and the principle arising from the sale of lands hereinbefore set apart for the University of Texas, shall constitute the permanent University fund. All the interest derivable therefrom, and the taxes herein authorized to be levied, shall be the available fund, and shall be annually applied to the support of the University of Texas and to meet its obligations. The purchase price or the proceeds from the sale of the University lands shall be invested as now authorized by law for the investment of the permanent school fund, or in real estate and improvements thereon. The Board of Regents, with the concurrence of the Governor, are hereby authorized to issue bonds to be signed and sold by the Governor to acquire additional grounds and for the erection of adequate buildings, and may secure such bonds by pledging any part or all of the permanent fund of the University of Texas. The income from and the interest on the permanent University fund, and on deferred payments from

the sale of University lands, are appropriated and upon receipt shall be available for creating a sinking fund with which to redeem bonds at maturity, and to pay interest on same, and for the development, maintenance and support of the University. The one-tenth of the alternate sections of the lands granted to railroads, reserved by the State, which were set apart and appropriated to the establishment of the University of Texas, by an act of the Legislature of February 11, 1858, entitled "An Act to establish 'The University of Texas,'" shall not be included in or constitute a part of the permanent University fund.

Sec. 11. The two million acres of land heretofore set apart by the original Section 15 of Article 7 of the Constitution and by the act of April 10, 1883, are hereby set apart and appropriated for the endowment, maintenance and support of the University of Texas; and said lands shall be sold under the same regulations and the proceeds invested in the same manner as provided for the sale and investment of the other parts of said permanent university fund. All lands heretofore granted and set aside for the benefit of the lunatic, blind, deaf and dumb and orphan asylums, and the accumulations from same, are hereby transferred and set apart as an additional endowment fund for the University of Texas, and the income from same is hereby made available for its support, and said lands shall be under the management and control of the Board of Regents of the University. The Legislature may provide for the sale of these lands and the investment of the proceeds in the manner as provided for the sale and investment of school lands in Section 4 of this article, and the Legislature shall not have the power to grant any relief to the purchasers of said lands.

Sec. 12. The Agricultural and Mechanical College of Texas is hereby constituted an independent college. The Legislature shall provide for its establishment and organization, and for its development, maintenance and support shall make, by tax levy, and appropriation of same, by Agricultural and Mechanical College bond issue, or by any or all of them, such provision, in addition to that heretofore made and made herein, as may be necessary for the accomplishment of the leading object and design in establishing said Agricultural and Mechanical College, which, without excluding engineering and classical stud-

ies, shall be to teach and develop those branches of learning related to agriculture, the mechanical arts, and the natural sciences connected therewith, and military tactics and science. The Prairie View Normal School and Industrial College for Colored Youths is hereby established and made a branch of the Agricultural and Mechanical College of Texas. A board of regents, composed of nine members, is hereby created. The board of regents shall have general executive control of the Agricultural and Mechanical College of Texas and shall be appointed by the Governor. The board of regents shall designate the officers of administration and instruction; shall determine their salaries and the compensation of all employees; establish departments, subdivisions, libraries, laboratories, experiment and research organizations, and other agencies for higher education and research; shall set aside and create out of the Agricultural and Mechanical College revenues a student loan fund, as may be provided by law, and perform such other duties as the Legislature may prescribe.

Sec. 13. There is hereby transferred and made a part of the permanent fund of the Agricultural and Mechanical College, either four hundred thousand acres of land of average value taken from the two million acres heretofore owned by, and set apart to the University of Texas, and selected by a commission of three, one of whom shall be chosen by the governing board of the University, another of whom shall be chosen by the governing board of the Agricultural and Mechanical College, and the third of whom shall be chosen by the Governor of the State; or, at the option of said commissioner representing the Agricultural and Mechanical College in lieu of said four hundred thousand acres of land, or any part thereof, securities owned by the University of Texas, adjudged by said commission of three to be equivalent in value to said four hundred thousand acres of land or any part thereof.

Sec. 14. The land herein set apart to the University of Texas, and to the Agricultural and Mechanical College of Texas, shall be sold under such regulations, at such times and on such terms as may be provided by law. The Legislature shall provide for the prompt collection, at maturity, of all debts due on account of University and Agricultural and Mechanical College lands heretofore sold, or that may hereafter be sold, and shall in neither event have the power to grant relief to the purchaser.

Sec. 15. The Prairie View State Nor-

mal and Industrial College shall continue under the governing board of said Agricultural and Mechanical College, and for its development, maintenance and support, the Legislature shall make, by tax levy, appropriation, and authorizing bond issues for permanent improvements, or any or all of them; such provision in addition to that heretofore made and made herein as may be necessary to accomplish its leading objects and designs as have been or may be prescribed by law.

Sec. 16. The Legislature shall provide for the establishment and organization of the College of Industrial Arts for Women; and for its development shall make, by tax levy, appropriation, and authorizing bond issues for permanent improvements, or any or all of them, such provision in addition to that heretofore made and made herein as may be necessary for the promotion of all the objects as set forth in the acts of the Twenty-seventh Legislature creating the college and called therein the "Texas Industrial Institute and College for the Education of White Girls in the Arts and Sciences," and for such extension of these purposes as may in the wisdom of the legally constituted board of regents be deemed necessary.

Sec. 17. The Legislature shall make adequate provision for the support and development of the four State Normal Schools; and for their development, maintenance and support shall make, by tax levy, appropriation, and authorizing bond issues for permanent improvements, or any or all of them, such provision in addition to that heretofore made or made herein as may be necessary to accomplish their leading objects and designs as have been or may be prescribed by law.

Sec. 18. The Legislature shall levy a tax not to exceed ten cents on the hundred dollars of property taxable by law in this State, to be known as the tax for higher education, for the maintenance, support and development of the University of Texas, the Agricultural and Mechanical College of Texas, the College of Industrial Arts for Women, The State Normal Schools already established, and the Prairie View State Normal and Industrial College. This tax shall be divided among said University and other institutions upon the following basis: Forty-four (44) per cent of it to the University of Texas, twenty-nine (29) per cent to the Agricultural and Mechanical College of Texas; eighteen and three-fourths

(18 3-4) per cent to the four State Normal Schools; five and three-fourths (5 3-4) per cent to the College of Industrial Arts for Women; two and one-half (2 1-2) per cent to the Prairie View State Normal and Industrial College.

Sec. 2. The foregoing amended Article 7 of the Constitution of Texas shall be submitted to the qualified electors of this State, for its adoption or rejection, at a special election hereby ordered for the first Saturday in May, 1913, the same being the 3rd day of said month. All voters voting on this proposed amendment at said election who favor its adoption shall have printed or written on their ballots the following: "For a more efficient system of public education, as proposed in the amendment to Article 7 of the Constitution"; all voters voting on this proposed amendment at said election who oppose its adoption, shall have printed or written on their ballots the following: "Against a more efficient system of public education, as proposed in the amendment to Article 7 of the Constitution." Previous to the election the Secretary of State shall cause to be printed and forwarded to the county judge of each county for use in said election a sufficient number of ballots for the use of voters in each county, on which he shall have printed the form of the ballot herein prescribed, for the convenient use of voters.

Sec. 3. The Governor of the State is hereby directed to issue his necessary proclamation and have same published as required by the Constitution and laws of the State. The sum of five thousand (\$5,000.00) dollars, or so much thereof as may be necessary, is hereby appropriated to defray the expenses of publishing said proclamation and printing of tickets and necessary blanks to use in said election.

NINETEENTH DAY.

Senate Chamber,

Austin, Texas,

Friday, February 7, 1913.

The Senate met pursuant to adjournment and was called to order by Lieutenant Governor Will H. Mayes.

Roll call, a quorum was present, the following Senators answering to their names:

Astin.	Collins.
Bailey.	Conner.
Brelsford.	Cowell.
Carter.	Darwin.